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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/808,424	03/25/2004	Ryoichi Kaku	119245	6949		
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			2624			
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application	No.	. Applicant(s)					
Office Action Summary			10/808,424		KAKU ET AL.				
			Examiner		Art Unit				
			EDWARD P	ARK	2624				
Period fo	The MAILING DATE of this commu or Reply	nication appe	ears on the d	over sheet with the c	orrespondence ad	ddress			
WHIC - Exter after - If NC - Failu Any r	ORTENED STATUTORY PERIOD FOR CHEVER IS LONGER, FROM THE MASSIONS OF THE MASSIO	MAILING DA ⁻ s of 37 CFR 1.136 munication. tatutory period will y will, by statute, c	TE OF THIS 6(a). In no event Il apply and will e cause the applica	S COMMUNICATION, however, may a reply be tin expire SIX (6) MONTHS from tion to become ABANDONE	N. nely filed the mailing date of this of the mailing date of this of the control	·			
Status									
1) 又	Responsive to communication(s) file	ed on <i>17 Mai</i>	rch 2009						
,	Responsive to communication(s) filed on <u>17 March 2009</u> . This action is FINAL . 2b)⊠ This action is non-final.								
3)		<i>7</i> —			secution as to the	e merits is			
٠,٦	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.								
Dispositi	on of Claims								
4)🛛	Claim(s) <u>1-18</u> is/are pending in the	application.							
	4a) Of the above claim(s) is/are withdrawn from consideration.								
	i) Claim(s) is/are allowed.								
	6)⊠ Claim(s) <u>1-18</u> is/are rejected.								
	Claim(s) is/are objected to.								
	Claim(s) are subject to restri	ction and/or	election rec	uirement.					
Applicati	on Papers								
9)□	The specification is objected to by the	ne Examiner							
-	The drawing(s) filed on is/are			objected to by the I	Examiner.				
,	- · ·	-	-	-					
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).									
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.									
Priority ι	ınder 35 U.S.C. § 119								
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some col None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.									
2) Notic 3) Inform	t(s) e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (nation Disclosure Statement(s) (PTO/SB/08) r No(s)/Mail Date		_) ☐ Interview Summary Paper No(s)/Mail Da) ☐ Notice of Informal P) ☐ Other:	ate				

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/17/09 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 3, 10, 12 have been considered but are moot in view of the new ground(s) of rejection. Applicant argues that the prior art of record does not disclose the newly added limitation, each of the part objects having a three-dimensional projecting portion extending at least in a direction perpendicular to a display surface on which an image is drawn (see pg. 11, third paragraph - pg. 12, fourth paragraph). This argument is not considered moot in view of a new ground(s) of rejection necessitated by applicant's amendment as seen below in the rejection of the cited claims.

Regarding claims 2, 4-9, 11, 13-18, applicant argues that the claims are allowable due to the dependency from claims 1, 3, 10, 12, respectively (see pg. 12, fourth paragraph). This argument is not considered persuasive since claims 1, 3, 10, 12 stand rejected under a new ground(s) of rejection necessitated by applicant's amendment and the rejection can be seen below.

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Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-9 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. The Federal Circuit¹, relying upon Supreme Court precedent², has indicated that a statutory "process" under 35 U.S.C. 101 must (1) be tied to a particular machine or apparatus, or (2) transform a particular article to a different state or thing. This is referred to as the "machine or transformation test", whereby the recitation of a particular machine or transformation of an article must impose meaningful limits on the claim's scope to impart patent-eligibility (See Benson, 409 U.S. at 71-72), and the involvement of the machine or transformation in the claimed process must not merely be insignificant extra-solution activity (See Flook, 437 U.S. at 590"). While the instant claim(s) recite a series of steps or acts to be performed, the claim(s) neither transform an article nor are positively tied to a particular machine that accomplishes the claimed method steps, and therefore do not qualify as a statutory process. That is, the method includes steps of storing, disposing, controlling, generating, disposing, rotating, etc. is of sufficient breadth that it would be reasonably interpreted as a series of steps completely performed mentally, verbally, or without a machine. The cited claims do not positively recite any structure within the body of the claim which ties the claim to a statutory

¹ In re Bilski, 88 USPQ2d 1385 (Fed. Cir. 2008).

² Diamond v. Diehr, 450 U.S. 175, 184 (1981); Parker v. Flook, 437 U.S. 584, 588 n.9 (1978); Gottschalk v. Benson, 409 U.S. 63, 70 (1972); Cochrane v. Deener, 94 U.S. 780, 787-88 (1876).

category. Furthermore, the examiner suggests that the structure needs to tie in the basic inventive concept of the application to a statutory category. Structure that ties insignificant pre or post solution activity to a statutory category is not sufficient in overcoming the 101 issue. Additionally, the limitations do not claim data that represents a physical object or substance, the data representing the physical object is not present and therefore can not be modified by the process in a meaningful or significant manner, and no meaningful and significant external, non-data depiction of a physical object or substance is produced. Thus, the limitations do not satisfy the transformation test.

Claim Rejections - 35 USC § 103

- 4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 5. Claims 1, 4, 6, 8, 10, 13, 15, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mukoyama et al (US 6,831,659 B1) with Bothcy (C Magazine; "Speed-up Techniques and thinking Routine for 3D games found Source Code of a 3D game "Doom"), and further in view of Takahashi et al (US 2003/0207704 A1).

¹ In re Bilski, 88 USPQ2d 1385 (Fed. Cir. 2008).

Diamond v. Diehr, 450 U.S. 175, 184 (1981); Parker v. Flook, 437 U.S. 584, 588 n.9 (1978); Gottschalk v. Benson, 409 U.S.
 63, 70 (1972); Cochrane v. Deener, 94 U.S. 780, 787-88 (1876).

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Regarding **claim 1**, Mukoyama teaches an image generation method for generating an image, the method comprising:

storing object data in an object data storage section (Mukoyama: figure 1, numeral 102); disposing a plurality of objects in an object space, based on the object data stored in the object data storage section (Mukoyama: figure 14);

controlling a virtual camera (Mukoyama: col. 8, lines 5-27);

disposing in the object space a model object including a plurality of part objects each of which has a projection shape, each of the part objects having a display surface on which an image is drawn (Mukoyama: figure 15, figure 16; col. 14, lines 35-65; fig. 16, col. 14, 66-67, col. 15, lines 1-14; each display element P is established on the tree object that has a vector v1 that is projected towards the point of view VP, wherein display element P has a image such as a leaf cluster, each display element P can be rotated in any manner about the three rotational axes X, Y, Z that intersect at the center point (center of gravity) thereof); and rotating each of the part objects based on rotational information of the virtual camera so that the display surface of each of the part objects is directed toward the virtual camera (Mukoyama: figure 16). Mukoyama does not teach generating an image viewed form the virtual camera in the object space while performing hidden surface removal processing and a three dimensional projection portion extending at least in a direction perpendicular to a display surface.

Bothcy, in the same field of endeavor, teaches generating an image viewed form the virtual camera in the object space while performing hidden surface removal processing ("Billboarding": Bothcy: pgs. 3-4).

It would have been obvious at the time the invention was made to one of ordinary skill in the art to modify the Mukoyama reference to utilize hidden surface removal processing as suggested by Bothcy, to "achieve high-speed processing" (Bothcy: pgs. 3-4).

Takahashi, in the same field of endeavor, teaches a three dimensional projection portion extending at least in a direction perpendicular to a display surface (see paragraph [0062]; geometry unit 214 carries out calculations on coordinates of a three-dimensional model (for example, a subject constructed of a plurality of polygons) of a subject or a graphics placed in a virtual three-dimensional game space. For example, the geometry unit 214 performs rotation, scaling, and change in shape of the three-dimensional model, or carries out coordinate transformation from a world coordinate system into a viewpoint coordinate system or a screen coordinate system. The rendering unit 215 writes, based on a predetermined texture, color data (RGB data) of each pixel of the three-dimensional model reflected onto a screen coordinates into the color buffer 216 to generate a game image).

It would have been obvious at the time the invention was made to one of ordinary skill in the art to modify the Mukoyama with Bothcy to utilize three dimensional projection portion as suggested by Takahashi, to allow rendering of three-dimensional image/models onto a display in order to enhance the user's experience by creating a novel/realistic sensation during operation (see paragraphs [0062], [0010]).

Regarding **claim 4**, Mukoyama teaches disposing a column-shaped part object included in the model object so as to stand along a Y-axis, the Y-axis being an axis along a vertical direction (Mukoyama: figure 16); disposing each of the part objects at a position apart from a central axis of the column-shaped part object (Mukoyama: figure 15); and rotating each of the

part objects about the Y-axis so that the display surface of each of the part objects is directed toward the virtual camera when the virtual camera rotates about the Y-axis while being directed toward the column-shaped part object (Mukoyama: figure 15, 16).

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Regarding **claim 6**, Mukoyama teaches disposing a column-shaped part object included in the model object so as to stand along a Y-axis, the Y-axis being an axis along a vertical direction (Mukoyama: figure 16); disposing each of the part objects at a position apart from a central axis of the column-shaped part object (Mukoyama: figure 15); and rotating each of the part objects about an X-axis which is perpendicular to the Y-axis so that the display surface of each of the part objects is directed toward the virtual camera when the virtual camera rotates about the X-axis while being directed toward the column-shaped part object (Mukoyama: figure 15, 16).

Regarding **claim 8**, Mukoyama teaches wherein part objects include a first part object and a second part object, the first and second part objects being adjacent each other (Mukoyama: figure 14), the method further comprising: disposing the first and second part objects so as to overlap each other in a view image viewed from the virtual camera (Mukoyama: figure 14) or intersect each other even when the virtual camera rotates 360 degrees about a given coordinate axis.

Regarding **claim 10**, Mukoyama teaches at least one of an optical disc, magnetic optical disc, magnetic disc, hard disc, magnetic tape and memory embedded with a program for generating an image, the program causing a computer to implement processing (provide a recording medium capable of providing a program wherewith the image processing of the present invention is possible; such media include hard disks, magnetic tape, optical magnetic

disks, CDs, etc.; Mukoyama: col. 2, lines 47-50, col. 5, lines 14-27) of the methods of claim 1 (the claim is rejected under the same combinations, teachings, and motivation as claim 1).

Regarding **claim 13**, Mukoyama teaches at least one of an optical disc, magnetic optical disc, magnetic disc, hard disc, magnetic tape and memory embedded with the program as defined in claim 10, the program for generating an image, the program causing a computer to implement processing (provide a recording medium capable of providing a program wherewith the image processing of the present invention is possible; such media include hard disks, magnetic tape, optical magnetic disks, CDs, etc.; Mukoyama: col. 2, lines 47-50, col. 5, lines 14-27) the method of claim 4 (the claim is rejected under the same combinations, teachings, and motivation as claim 4).

Regarding **claim 15**, Mukoyama teaches at least one of an optical disc, magnetic optical disc, magnetic disc, hard disc, magnetic tape and memory embedded with the program as defined in claim 10, the program causing a computer to implement processing (provide a recording medium capable of providing a program wherewith the image processing of the present invention is possible; such media include hard disks, magnetic tape, optical magnetic disks, CDs, etc.; Mukoyama: col. 2, lines 47-50, col. 5, lines 14-27) the method of claim 6 (the claim is rejected under the same combinations, teachings, and motivation as claim 6).

Regarding **claim 17**, Mukoyama teaches at least one of an optical disc, magnetic optical disc, magnetic disc, hard disc, magnetic tape and memory with the program as defined in claim 10, (provide a recording medium capable of providing a program wherewith the image processing of the present invention is possible; such media include hard disks, magnetic tape,

optical magnetic disks, CDs, etc.; Mukoyama: col. 2, lines 47-50, col. 5, lines 14-27). The claim is rejected under the same combinations, teachings, and motivation as claim 8.

6. Claims 2, 3, 5, 7, 9, 11, 12, 14, 16, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Mukoyama et al (US 6,831,659 B1), Bothcy (C Magazine; "Speed-up Techniques and thinking Routine for 3D games found Source Code of a 3D game "Doom"") with Takahashi et al (US 2003/0207704 A1), and further in view of Nakagawa (US 2002/0135603 A1).

Regarding **claim 2**, Mukoyama, Bothcy with Takahashi combination discloses all elements as mentioned above in claim 1. Mukoyama, Bothcy with Takahashi combination does not teach storing a Z texture in which an offset value of a Z-value is set on each text in a texture storage section;

mapping the Z texture stored in the texture storage section on each of the objects; and mapping on each of the part objects the Z texture for setting bump shapes on the display surface by pixel unit.

Nakagawa teaches storing a Z texture in which an offset value of a Z-value is set on each texel in a texture storage section (Nakagawa: paragraph [0139]); mapping the Z texture stored in the texture storage section on each of the objects (Nakagawa: paragraph [0139]); and mapping on each of the part objects the Z texture for setting bump shapes on the display surface by pixel unit (Nakagawa: figure 3).

It would have been obvious at the time the invention was made to one of ordinary skill in the art to modify the Mukoyama, Bothcy with Takahashi combination to utilize texture as suggested by Nakagawa, to "[reduce] processing time" (Nakagawa: paragraph [0006]-[0007]).

Regarding **claim 3**, Mukoyama teaches an image generation method for generating an image comprising:

storing object data in an object data storage section (Mukoyama: figure 1, numeral 102); disposing a plurality of objects in an object space, based on the object data stored in the object data storage section (Mukoyama: figure 14);

generating the plurality of objects as three-dimensional objects including Z-texture values (see fig. 15, numeral P, fig. 16, col. 14, lines 66-67, col. 15, lines 1-14; each display element P can be rotate in any manner about the three rotation axes X, Y, and Z that intersect at the center point in terms of display element P that is defined in a body coordinate system in a world coordinate system, it is positioned by rotating it a determined rotation angle about each of the axes X, Y, and Z, which configures so that it can be oriented and can be directionally controlled according to the position of the point of view);

controlling a virtual camera (Mukoyama: col. 8, lines 5-27)

disposing a model object having a plurality of part objects in the object space (Mukoyama: figure 15; figure 16; col. 14, lines 35-65; fig. 16, col. 14, 66-67, col. 15, lines 1-14; each display element P is established on the tree object that has a vector v1 that is projected towards the point of view VP, wherein display element P has a image such as a leaf cluster, each display element P can be rotated in any manner about the three rotational axes X, Y, Z that intersect at the center point (center of gravity) thereof);

rotating each of the part objects based on rotational information of the virtual camera so that a display surface of each of the part objects on which an image is drawn is directed toward the virtual camera (Mukoyama: figure 16). Mukoyama does not teach storing a Z texture in

which an offset value of a Z-value is set on each texel in a texture storage section; mapping the Z texture stored in the texture storage section on each of the objects; generating an image viewed from the virtual camera in the object space while performing hidden surface removal processing; part objects being three-dimensional objects extending at least in a direction perpendicular to a display surface; and mapping on each of the part objects the Z texture for forming a virtual projection shape on the display surface of the part objects by pixel unit.

Bothcy teaches generating an image viewed form the virtual camera in the object space while performing hidden surface removal processing ("Billboarding": Bothcy: pgs. 3-4).

It would have been obvious at the time the invention was made to one of ordinary skill in the art to modify the Mukoyama reference to utilize hidden surface removal processing as suggested by Bothcy, to "achieve high-speed processing" (Bothcy: pgs. 3-4).

Takahashi, in the same field of endeavor, teaches part objects being three-dimensional objects extending at least in a direction perpendicular to a display surface (see paragraph [0062]; geometry unit 214 carries out calculations on coordinates of a three-dimensional model (for example, a subject constructed of a plurality of polygons) of a subject or a graphics placed in a virtual three-dimensional game space. For example, the geometry unit 214 performs rotation, scaling, and change in shape of the three-dimensional model, or carries out coordinate transformation from a world coordinate system into a viewpoint coordinate system or a screen coordinate system. The rendering unit 215 writes, based on a predetermined texture, color data (RGB data) of each pixel of the three-dimensional model reflected onto a screen coordinates into the color buffer 216 to generate a game image).

It would have been obvious at the time the invention was made to one of ordinary skill in the art to modify the Mukoyama with Bothcy to utilize three dimensional objects as suggested by Takahashi, to allow rendering of three-dimensional image/models onto a display in order to enhance the user's experience by creating a novel/realistic sensation during operation (see paragraphs [0062], [0010]).

Nakagawa teaches storing a Z texture in which an offset value of a Z-value is set on each texel in a texture storage section (Nakagawa: paragraph [0139]); and mapping the Z texture stored in the texture storage section on each of the objects (Nakagawa: paragraph [0139]), and mapping on each of the part objects the Z texture for forming a virtual projection shape on the display surface of the part objects by pixel unit (Nakagawa: figure 3; paragraph [0104] generate the image of the tree by mapping a plate-like polygon 310 onto a texture 320 for the tree which is a two dimensional representation of a three dimensional object).

It would have been obvious at the time the invention was made to one of ordinary skill in the art to modify the Mukoyama, Bothcy with Takahashi combination to utilize texture as suggested by Nakagawa, to "[reduce] processing time" (Nakagawa: paragraph [0006]-[0007]).

Regarding **claim 5**, Mukoyama teaches disposing a column-shaped part object included in the model object so as to stand along a Y-axis, the Y-axis being an axis along a vertical direction (Mukoyama: figure 16); disposing each of the part objects at a position apart from a central axis of the column-shaped part object (Mukoyama: figure 15); and rotating each of the part objects about the Y-axis so that the display surface of each of the part objects is directed toward the virtual camera when the virtual camera rotates about the Y-axis while being directed toward the column-shaped part object (Mukoyama: figure 15, 16).

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Regarding **claim 7**, Mukoyama teaches disposing a column-shaped part object included in the model object so as to stand along a Y-axis, the Y-axis being an axis along a vertical direction (Mukoyama: figure 16); disposing each of the part objects at a position apart from a central axis of the column-shaped part object (Mukoyama: figure 15); and rotating each of the part objects about an X-axis which is perpendicular to the Y-axis so that the display surface of each of the part objects is directed toward the virtual camera when the virtual camera rotates about the X-axis which is perpendicular to the Y-axis while being directed toward the column-shaped part object (Mukoyama: figure 15, 16).

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Regarding **claim 9**, Mukoyama teaches wherein part objects include a first part object and a second part object, the first and second part objects being adjacent each other (Mukoyama: figure 14), the method further comprising: disposing the first and second part objects so as to overlap each other in a view image viewed from the virtual camera (Mukoyama: figure 14) or intersect each other even when the virtual camera rotates 360 degrees about a given coordinate axis.

Regarding **claim 11**, Mukoyama teaches at least one of an optical disc, magnetic optical disc, magnetic disc, hard disc, magnetic tape and memory embedded with the program as defined in claim 10, the program causing a computer to implement processing (provide a recording medium capable of providing a program wherewith the image processing of the present invention is possible; such media include hard disks, magnetic tape, optical magnetic disks, CDs, etc.; Mukoyama: col. 2, lines 47-50, col. 5, lines 14-27) the method of claim 2 (the claim is rejected under the same combinations, teachings, and motivation as claim 2).

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Regarding **claim 12**, Mukoyama teaches at least one of an optical disc, magnetic optical disc, magnetic disc, hard disc, magnetic tape and memory embedded with a program for generating an image, the program causing a computer to implement processing (provide a recording medium capable of providing a program wherewith the image processing of the present invention is possible; such media include hard disks, magnetic tape, optical magnetic disks, CDs, etc.; Mukoyama: col. 2, lines 47-50, col. 5, lines 14-27) the method of claim 3 (the claim is rejected under the same combinations, teachings, and motivation as claim 3).

Regarding **claim 14**, Mukoyama teaches at least one of an optical disc, magnetic optical disc, magnetic disc, hard disc, magnetic tape and memory embedded with the program as defined in claim 12, the program causing a computer to implement processing (provide a recording medium capable of providing a program wherewith the image processing of the present invention is possible; such media include hard disks, magnetic tape, optical magnetic disks, CDs, etc.; Mukoyama: col. 2, lines 47-50, col. 5, lines 14-27) the method of claim 5 (the claim is rejected under the same combinations, teachings, and motivation as claim 5).

Regarding **claim 16**, Mukoyama teaches at least one of an optical disc, magnetic optical disc, magnetic disc, hard disc, magnetic tape and memory embedded with the program as defined in claim 12, the program causing a computer to implement processing (provide a recording medium capable of providing a program wherewith the image processing of the present invention is possible; such media include hard disks, magnetic tape, optical magnetic disks, CDs, etc.; Mukoyama: col. 2, lines 47-50, col. 5, lines 14-27) the method of claim 7 (the claim is rejected under the same combinations, teachings, and motivation as claim 7).

Regarding **claim 18**, Mukoyama teaches at least one of an optical disc, magnetic optical disc, magnetic disc, hard disc, magnetic tape and memory embedded with the program as defined in claim 12, (provide a recording medium capable of providing a program wherewith the image processing of the present invention is possible; such media include hard disks, magnetic tape, optical magnetic disks, CDs, etc.; Mukoyama: col. 2, lines 47-50, col. 5, lines 14-27). The claim is rejected under the same combinations, teachings, and motivation as claim 9.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWARD PARK whose telephone number is (571)270-1576. The examiner can normally be reached on M-F 10:30 - 20:00, (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samir Ahmed can be reached on (571) 272-7413. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Edward Park/ Examiner, Art Unit 2624

/Brian Q Le/ Primary Examiner, Art Unit 2624